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Council Delegate Jonathan Hale sponsors legislation to amend gaming compact between the Nation and the State of New Mexico

WINDOW ROCK – After nine months of negotiation discussions with the State of New Mexico, the Navajo Nation Council’s Naabik’íyáti’ Gaming Task Force has agreed on key principle positions that prompted Council Delegate Jonathan Hale (Oak Springs, St. Michaels) to introduce Legislation No. 0058-13 on Feb. 25.

The legislation, which will complete the five-day comment period on Mar. 2, seeks approval from the Resources and Development Committee and the Naabik’íyáti’ Committee to amend the Gaming Compact between the Navajo Nation and the State of New Mexico.

Currently, the Nation is one of five Tribes signed onto the 2001 Gaming Compact. The Nation entered into the Gaming Compact with the State of New Mexico in 2003.

Although the Nation did not participate in the negotiation of the 2001 Gaming Compact, the New Mexico Compact Negotiation Act allows for a tribe to enter into an existing compact with the approval of the governor without submittal to the legislature for approval.

In addition to the 2001 Gaming Compact, the State of New Mexico also entered into another gaming compact, referred to as the 2007 Gaming Compact, with other tribes that does not include the Navajo Nation.

“The amendments will expand opportunities, not previously allowed, for Fire Rock Navajo Casino and Northern Edge Navajo Casino, and those opportunities will allow our current and future Navajo casinos in New Mexico to compete with other casinos and racetracks,” Delegate Hale said.

The Naabik’íyáti’ Gaming Task Force advocated for three key positions, to which the State agreed.

The first position was the number of Class III gaming facilities the Nation will be allowed to operate. The 2001 compact allows the Nation to operate an unlimited number of Class III gaming facilities.

The negotiated agreement will limit the Nation to five Class III facilities, which is a decrease from the current unlimited number, but is an increase when compared to the two gaming facility limit outlined in a 2007 compact negotiated between the State and other tribes.

The second position the State agreed to is the percentage of revenue sharing.

Currently, the Nation's revenue sharing is at 8%. In newly negotiated terms, the Nation would pay 9.75%, and it will escalate over the term of the Compact to 10.75% of the revenue.

The revenue sharing is an increase from the 2001 compact but is equal to the 2007 compact.

The third position the Nation advocated for was a longer duration for the Gaming Compact to remain in effect.

The current Gaming Compact between the Nation and the State is set to expire on Jun. 30, 2015.

If the amendments are approved by the Nation, the State, and the federal government, the negotiated compact will expire in 2037.

"Long term duration to the compact is very important to the Navajo Nation," Delegate Hale stated. "The gaming industry on the Navajo Nation is still in its infancy and these casinos are self-financed from the Navajo Nation. It is important to protect the Navajo Nation's investment."

In addition to the three key principle positions, the Gaming Task Force negotiated criminal jurisdiction over non-member Indians, Navajo casinos will be able to comp food and lodging through a player's club program, and Navajo casinos will also be able to extend their hours of operation to 24 hours per day, 7 days a week.

The 2001 compact prohibited the operation of any Class III Gaming for at least four consecutive hours daily, and the Nation previously did not have criminal jurisdiction over non-member Indians.

Prior to negotiation discussions, the State informed all the Tribes that it was not calculating the free play correctly. There has been much dispute over the calculation and the amount owed to the State.

Since then, the Nation settled with the State regarding the free play issue.

"Aside from the revenue generated, the most important benefit that gaming brought to the Navajo Nation has been the jobs produced for our Navajo people," said Delegate Hale.

The RDC is scheduled to consider the gaming compact amendment at their regular meeting on Mar. 5.

The Naabik'íyáti' Committee will consider the legislation on Mar. 7 during a special meeting that was approved by Speaker Johnny Naize this morning.

The Naabik'íyáti' Gaming Task Force was formed in February 2011, and is comprised of Council Delegates LoRenzo Bates, Edmund Yazzie, Joshua Lavar Butler, Jonathan Hale, and Speaker Johnny Naize.

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